

UNITED STATES DISTRICT COURT
 for the
 Southern District of Ohio

United States of America)
 v.)
)
 DANIEL KENNETH MIDDLETON) Case No. 2:24-mj-93
)
)
)
)

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Aug. 2022 through Feb. 2023 in the county of Franklin/Licking in the
Southern District of Ohio, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. §§ 846 & 841(a)(1), (b) (1)(C)	Conspiracy to possess with intent to distribute a detectable amount of methamphetamine and a detectable amount of fentanyl

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

ROBERT KUKO 
 Digitally signed by ROBERT KUKO
 Date: 2024.02.20 08:13:17 -05'00'

Complainant's signature

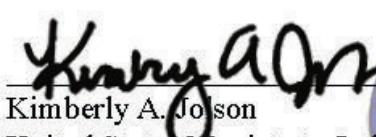
Robert Kukovec, Special Agent (HSI)

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 Telephone _____ (*specify reliable electronic means*).

Date: February 20, 2024

City and state: Columbus, Ohio


 Kimberly A. Jolson
 United States Magistrate Judge


AFFIDAVIT IN SUPPORT OF ARREST WARRANT

I, **Robert Kukovec**, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations (HSI). I have been employed as a Special Agent since April 2002, and I am currently assigned to the HSI office in Columbus, Ohio. I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I am currently assigned to a multi-jurisdictional narcotics task force in the central Ohio area, and I am cross designated to investigate violations of Title 21 of the United States Code. Prior to my employment with HSI (and formerly U.S. Customs), I was employed as a police officer in the state of Ohio for approximately 8.5 years. My responsibilities and duties include the investigation and enforcement of federal laws and regulations related to customs and immigration violations, including but not limited to narcotics, financial crimes, fraud, and violations of the Immigration and Nationality Act.

2. The information set forth in this affidavit is based upon my knowledge, training, experience, and participation in investigations involving the smuggling, possession, distribution, and storage of narcotics and narcotics proceeds. This information is also based on the knowledge, training, experience, and investigations conducted by fellow law enforcement officers, which have been reported to me either directly or indirectly. I believe this information to be true and reliable. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter. Your affiant did not withhold

any information or evidence that would negate probable cause. I know it is a violation of 21 U.S.C. § 846 for any person to conspire to knowingly or intentionally distribute, or possess with intent to distribute, a controlled substance.

PROBABLE CAUSE

3. In June 2022, HSI Columbus and the Delaware County Drug Task Force (DCDTF) developed information in reference to Daniel Kenneth MIDDLETON being a member of a drug trafficking organization in the central Ohio area selling fentanyl and methamphetamine. This investigation was later discovered to have also crossed with another investigation by the Westerville (Ohio) Police Department as well as another case by the DCDTF.

4. A confidential source advised the DCDTF that “Danny” (later identified as MIDDLETON) was selling fentanyl and methamphetamine from his apartment located at 70 McMillen Avenue, Apartment C, in Columbus, Ohio. The source advised that he/she was buying narcotics from MIDDLETON for a few years and would typically buy approximately a half ounce of fentanyl at a time. In early July 2022, investigators conducted surveillance on 70 McMillen Avenue (Apartment C) in Columbus, Ohio and observed numerous people on foot, on bicycles, and in vehicles stop at this address for short periods of time, traffic consistent with drug trafficking based on your affiant’s training and experience. This cooperating source was going to attempt a controlled buy of narcotics from MIDDLETON on behalf of investigators. However, prior to having a chance to conduct a controlled buy, this cooperating source overdosed on fentanyl and died.

5. In August 2022, investigators identified another reliable confidential source who advised he/she was buying both fentanyl and methamphetamine from MIDDLETON on a regular basis. The cooperating source would communicate with MIDDLETON via phone calls, texts,

and/or Facebook Messenger. Additional surveillance of 70 McMillen Avenue (Apartment C) in Columbus, Ohio indicated that the resident(s) in Apartment A would go back and forth from Apartment C on a regular basis and that they both appeared to be working together distributing narcotics. Further surveillance in August 2022 and September 2022, observed regular traffic of people coming and going from both apartments as well as between the apartments. Investigators also observed what appeared to be hand-to-hand narcotics transactions being conducted with vehicles that would pull up in the vicinity of both apartments and then meet with one of the residents from either of the apartments.

6. In August 2022, investigators conducted two separate controlled buys of narcotics from 70 McMillen Avenue (Apartment C) in Columbus, Ohio utilizing a cooperating source. Both times, MIDDLETON arranged the narcotics transactions, but he was not personally home at the time and advised the cooperating source that someone would be at the apartment to “serve” them up. The first controlled buy on August 25, 2022, resulted in the purchase of 2.96 grams of a mixture of methamphetamine, para-fluorofentanyl, and fentanyl along with 0.96 grams of methamphetamine based on lab results. The second controlled buy on August 29, 2022, resulted in the purchase of 2.99 grams of a mixture consisting of acetyl fentanyl, para-fluorofentanyl, and fentanyl based on lab results.

7. On September 8, 2022, investigators were conducting surveillance at 70 McMillen Avenue on both Apartment A and C in Columbus, Ohio. Investigators observed what appeared to be a hand-to-hand narcotics transaction take place between an unknown black male in Apartment A and a vehicle that pulled up and parked on the street near the apartment. Investigators had the vehicle stopped for a traffic violation after it left the area and discovered approximately four (4)

grams of fentanyl and two (2) grams of cocaine in the vehicle. The occupants of the vehicle were interviewed and admitted just buying narcotics from the unknown black male from Apartment A.

8. On September 20, 2022, HSI Columbus and the DCDTF with assistance from the Columbus Police Department executed two search warrants issued through the Franklin County Municipal Court in Columbus, Ohio on 70 McMillen Avenue (Apartments A and C) in Columbus, Ohio. A search of Apartment C belonging to MIDDLETON resulted in the discovery and seizure of 480.38 grams of a fentanyl/tramadol mixture, 353.76 grams of methamphetamine, 43.84 grams of a acetyl fentanyl/para-fluorofentanyl/fentanyl mixture, 27.23 grams of a tramadol/acetyl fentanyl/para-fluorofentanyl/fentanyl mixture, 20.55 grams of a tramadol/cocaine/acetyl fentanyl/para-fluorofentanyl/fentanyl mixture, 18.62 grams of cocaine, 1.3 grams of cocaine/acetyl fentanyl/para-fluorofentanyl/fentanyl mixture, an assortment of various pills (clonazolam, buprenorphine, amphetamine, hydrocodone) based on lab results, along with approximately 12 grams of marijuana, eight firearms (one reported stolen), handgun magazines and ammunition, \$1,245 in cash, and various drug paraphernalia. Several people were located inside Apartment C during execution of the search warrant, but MIDDLETON had apparently left just prior to execution of the search warrant and investigators were unable to locate him again after the search warrants. A search of Apartment A belonging to the unknown black male resulted in the discovery and seizure of approximately 20 grams of fentanyl, a kilogram drug press machine, and various bulk narcotics packaging/wrappings. No one was located in Apartment A during execution of the search warrant.

9. The landlord for 70 McMillen Avenue, including both Apartment A and C, showed up shortly after execution of both search warrants and claimed the apartment building was under his daughter's name, but he helped manage the properties. It was later discovered this daughter of

the landlord who owned the properties was identified as Deidre SOLER. MIDDLETON was already linked to SOLER via phone tolls, and he appeared to be one of her top callers. SOLER was a known narcotics trafficker and under investigation by the Westerville Police Department for distributing large quantities of fentanyl, methamphetamine, cocaine, and marijuana. SOLER was also linked to another DCDTF investigation where she appeared to be the supplier of cocaine and/or marijuana for this other target of investigation. It appeared SOLER was possibly one of the narcotics suppliers for MIDDLETON. On October 19, 2022, the Westerville Police Department executed a search warrant issued through the Franklin County Municipal Court in Columbus, Ohio at SOLER's residence at 3281 Eisenhower Road in Columbus, Ohio. The search warrant resulted in the discovery and seizure of 1,054.10 grams of methamphetamine, 430.38 grams of fentanyl, 59.63 grams of cocaine, and 30.13 grams of a mixture of fentanyl and para-fluorofentanyl based on lab results, along with an assortment of various pills, suboxone, buprenorphine/naloxone, promethazine syrup, approximately 363 grams of marijuana, \$8,032 in cash, and nine (9) handguns. SOLER and another subject were in the residence at the time of the search warrant execution. Both subjects were interviewed and released pending future charges and indictments. However, SOLER later died of heart complications in January 2023.

10. In November 2022, investigators were informed by another reliable confidential source that MIDDLETON was still involved in narcotics trafficking. Investigators obtained a search warrant for another known drug user's Facebook account who was communicating with MIDDLETON. The Facebook search warrant results revealed Facebook messages between the drug user and MIDDLETON discussing types of narcotics, amounts, prices, and meeting locations where they would meet throughout 2022. The Facebook messages between the drug user and MIDDLETON also indicated MIDDLETON was still selling narcotics throughout the central Ohio

area. In December 2022, MIDDLETON even used Facebook Messenger to communicate with other individuals about narcotics trafficking and arranged meeting locations through Facebook Messenger.

11. In January 2023, investigators developed another reliable cooperating source that was buying narcotics from MIDDLETON. Investigators conducted two separate controlled buys of fentanyl from MIDDLETON utilizing this cooperating source in February 2023. The first controlled buy on February 8, 2023, in Columbus, Ohio resulted in the purchase of 4.44 grams of a mixture of para-fluorofentanyl and fentanyl based on lab results. The second controlled buy on February 15, 2023, in Pataskala, Ohio resulted in the purchase of 3.52 grams of a mixture of para-fluorofentanyl and fentanyl based on lab results. Investigators were eventually able to identify from surveillance that MIDDLETON was currently residing at 89 Pincott Street in Pataskala, Ohio and was driving a light blue Honda Odyssey with an Ohio dealer registration (015 5778). This dealer tag appeared to be reported stolen in NCIC from a dealership in Chillicothe, Ohio.

12. Through surveillance and other investigative actions, investigators were able to obtain a search warrant for MIDDLETON's residence at 89 Pincott Street in Pataskala, Ohio through the Licking County Court of Common Pleas in Newark, Ohio. On February 22, 2023, investigators executed the search warrant at 89 Pincott Street and discovered MIDDLETON and two other subjects inside the residence. The search of the residence resulted in the discovery and seizure of small amounts of suspected fentanyl, methamphetamine, psilocybin mushrooms, marijuana, some Xanax pills, two loaded handguns, ammunition, \$826 in cash, and various drug paraphernalia. Lab were results still pending from this search warrant. MIDDLETON was interviewed by investigators and released pending a future indictment.

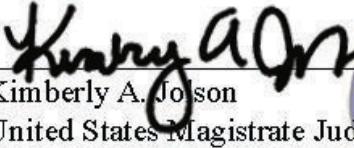
CONCLUSION

13. Based on the facts set forth in this Affidavit, there is probable cause to believe that beginning on an exact date unknown but at least around August 2022 and continuing up to and including February 22, 2023, in the Southern District of Ohio and elsewhere, **Daniel Kenneth MIDDLETON**, along with others known and unknown, conspired to knowingly and intentionally distribute and possess with intent to distribute a detectable amount of fentanyl and a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), all in violation of 21 U.S.C. § 846.

ROBERT KUKOV Digitally signed by ROBERT KUKOVEC
Date: 2024.02.20 08:14:19 -05

Robert Kukovec
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me on this 20th day of Feb., 2024.


Kimberly A. Jolson
United States Magistrate Judge

